

### REMARKS

Claims 1-31, 41 -45 and 47-49 were examined in the Outstanding Office Action dated 12/06/2007 (hereafter "Outstanding Office Action"). All claims were rejected. Claims 32-40 and 46 stand withdrawn.

By virtue of this response, claims 1, 5, 12, 21, 41, 47 and 49 are sought to be amended. The amendments are believed not to introduce new subject matter, and their entry is respectfully requested. The amendments are made without prejudice or disclaimer. Claims 1-31, 41 -45 and 47-49 are thus respectfully presented for reconsideration further in view of below remarks.

#### *Claim Rejections - 35 U.S.C. §§ 102/103*

Claims 1-2, 12-13, 21-22, 41-45, 47-49 were rejected under 35 U.S.C. 102(e) as being anticipated by Nielsen (hereinafter Nielsen), U.S. PG Pub No. US 2004/0205567, filed 1/22/2002. Claims 3-9, 14-20, and 23-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen further in view of Cseri et al. (hereinafter Cseri), U.S. PG Pub. No. US 2003/0046317 filed 4/19/2001.

Without acquiescing to any of the assertions in the Outstanding Office Action, it is respectfully noted that the claims as presented for consideration, are allowable over the art of record.

For example, claim 1 recites that the method is implemented within a parser and that a file identifier is received from an application implemented external to the parser. The claim construction further requires that both of a retrieved data element and the corresponding portion identifier be provided in association to the external application, which has earlier sent the file identifier (with a request to parse the data file) corresponding to the data file from which the data element is retrieved.

Nielsen does not disclose or reasonably suggest a parser which interfaces with an external application consistent with such claimed features.

Applicant first notes that Nielsen also discloses parser 130, with the below general function:

[0036] The dynamic markup language document modification module 120 includes a **parser 130 for receiving a markup language document (e.g., an XML test suite file 110) and based thereon for generating a representation 134 (e.g., an internal representation) of the document 110.** For example, this internal representation 134 may be a document object model (DOM), which is a tree like data structure representation of an XML document.  
(Nielsen, **Emphasis Added**)

Based on the above disclosure of Nielsen and the Examiner reliance on other parts of the disclosure in Nielsen, it is believed that the Examiner also concedes that the operation of parser 130 alone would not teach the claimed features noted above.

The Examiner is instead believed to rely on the combined operation of injection mechanism 140 and parser 130 to teach the claimed operation within the parser and the run time environment 140 (along with presentation 134 shown as a part of the run time environment) to operate as the claimed application.

In particular, it is believed that the Examiner is taking the position that the receipt of the file identifier by parser 130 is equivalent to the claimed receiving, and the writing of the data in DOM structure in presentation 134 to the claimed providing.

Applicants respectfully request the Examiner to point out clearly in the next Office Action if the Examiner's position in the Outstanding Office Action is not articulated accurately above.

Assuming that the above belief to be accurate, Applicants now respectfully assert that such an analogy is improper, at least in a way to anticipate the invention of currently amended claim 1, under the applicable legal principles and practice.

Even assuming arguendo that parser 130 and/or DMLDMM 120 of Nielsen receive a file identifier (of test suite file 110) as claimed, it is respectfully noted that the change/addition of node in presentation 134 based on data 144 of Nielsen would not be equivalent

to the claimed providing to the external application.

In particular, one skilled in the relevant arts would clearly appreciate that the DOM representation 134 would be a distinct independent entity with its own context (e.g., memory space, etc.) in relation to the any application which possibly executed within run time environment 140 and provided the identifier of test suite file 110.

For example, representation 134 may have existence only when parser 130 receives and processes test suite file 110. Representation 134 may be provided different memory area, etc., compared to any pre-existing application, as is believed to be usual in typical run time environment.

Indeed, representation 134 may not have existence when the test suite file is identified to parser 130!

Once the Examiner takes cognizance of the above technical differences and the flaw in the analogy noted above, Applicants point out that some of the remaining teachings of Nielsen also do not anticipate or render obvious the invention of currently amended claim 1.

In that regard, it is respectfully noted that Nielsen clearly discloses (see, for example, Fig. 2, path 138 marked "To runtime environment 140") what is communicated back to run time environment 140 is the modified representation of the document.

The modified representation of the document of Nielsen would not have the claimed "in association said portion identifier and said first data element", and thus the teachings of Nielsen would not be operative to anticipate the invention of claim 1 in this scenario.

At least in that sense, Nielsen teaches away from the invention of currently amended claim 1.

At least for one or more of the reasons noted above, it is respectfully submitted that

Nielsen does not teach or reasonably suggest the invention of currently amended claim 1. Currently amended claim 1 is thus allowable over Nielsen.

Claims 2-11, 41, 42 and 48 depend from claim 1 and are allowable at least for the reasons noted above with respect to currently amended claim 1.

5           Currently amended claim 5 is also independently allowable over the art of record in reciting that the parser is an event based parser. The Examiner relies on reference to SAX parser in Cseri (U.S. PG Pub. No. US 2003/0046317 filed 4/19/2001) to provide the necessary teaching to combine the two reference in way to render obvious the invention of claim 5.

10           Applicants respectfully disagree. It is believed that SAX parser of Cseri would not be operative with the DOM representation of Nielsen since DOM parser and SAX parser are generally intended as substitute products (not collaborative or complementing products). At least for such a reason it is contended that the combined teachings of Nielsen and Cderi do not render obvious the invention of claim 5.

15           Currently amended claim 41 is independently allowable over Nielsen at least in reciting that the path identifier of **all data elements** in the data file are determined. Such a feature follows as being implemented within a parser.

In sharp contrast, in rejecting claim 41, it was stated:

20           **In regard to dependent claims 41-45**, Nielsen discloses parsing an XML file into a DOM tree, and each attribute or node in said tree is analyzed accordingly. (Nielsen paragraphs [0058], [0061], [0062]). It is noted that trees are typically traversed in node by node fashion. It is additionally noted that  
25           since a DOM tree is hierarchically based, portion identifiers are typically referenced based on a presented hierarchy in step-wise traversal. (Page 4, lines 12-16 of the Outstanding Office Action)

Applicants reproduce the paragraphs of Nielsen relied upon by the Examiner:

30           [0058] FIG. 4 is a flow chart illustrating the steps for replacing references in accordance with one embodiment of the present invention. For each attribute or element node in the XML

tree, the following steps are performed. In step 410, a determination is made whether the current node or attribute includes a reference flag. For example, a determination may be made whether a node's name begins with a "ref:". When the current node or attribute includes a reference flag, processing proceeds to step 420. Otherwise, when the current node or attribute does not include a reference flag, processing proceeds to step 424 where the next node or attribute is processed.

...

[0061] For each attribute or element node in the XML tree, the following steps are performed according to one embodiment of the present invention.

[0062] **When the node's name begins with "ref:"** (this node is hereinafter referred to as the source), the following steps are performed. First, the replacement module finds what the attribute or element's XPath points to (which is referred to herein as a target). Second, the replacement module removes the source node and replaces the source node with a new node of the same type (e.g., attribute or element). The name for the node is the name of the source node with the "ref:" portion removed. (Corresponding paragraphs of Nielsen, **Emphasis Added**)

Even assuming arguendo that Nielsen teaches portion identifier of data elements, it is respectfully pointed out that such processing is performed only for the node names meeting the above-noted when condition (as further confirmed by the condition 410 in Figure 4 of Nielsen). Currently amended claim 41 is accordingly independently allowable over Nielsen.

Currently amended independent claim 12 is also allowable for at least some of the above noted reasons in reciting that the application is implemented external to the parser (so that the parser can be shared by multiple application), and that the application receives a data element and the corresponding portion identifier in association, from the parser previously instructed to parse the file storing the data element.

Claims 13-20 and 43 depend from claim 12 and are allowable over the art of record for the reasons noted above with respect to claim 12.

Currently amended independent claim 21 is allowable at least in reciting that the portion identifier of a data element is **set equal to** the relative location of the data element with respect to another data element in the data file according to the markup language.

In sharp contrast, Nielsen, at least with respect to any portion identifiers provided

associated with a data element, is believed to rely on the content within the test suite file (for example, in Fig. 5, the two occurrences of text ref:key) in determining the target location there.

Claim 21 is accordingly believed to be allowable over Nielsen. Claims 22-31, 44 and  
5 45 depend from claim 21 and are thus allowable at least for the reasons noted above with respect to claim 21.

Currently amended independent claim 47 is also allowable over Nielsen in reciting that the data element is present stored in the data file prior to the receiving of the file identifier of the data file.

10 Again, it is unclear from the record to which specific teaching of Nielsen the Examiner is equating the claimed data element.

However, to advance prosecution, it is pointed out that data 144 is generated dynamically by server 160 **after** parser 130 receives test suite file 110.

15 Therefore, any operation based on data 144 in Nielsen is believed not to anticipate the invention of claim 47. Thus, claim 47 is allowable over Nielsen at least for the reason noted above.

Currently amended independent claim 49 is also allowable at least for some of the reasons noted above. In particular, the Examiner's attention is drawn to the claimed **event based parser**, which also provides each parsed data element and the corresponding portion  
20 identifier in association.

The art of record does not teach or reasonably suggest such a feature. Again, as noted above, it is believed that the SAX parser of Cseri would not be operative with the DOM representation of Nielsen since DOM parser and SAX parser are generally intended as substitute products (not collaborative or complementing products). At least for such a reason  
25 it is contended that the combined teachings of Nielsen and Cderi do not render obvious the

invention of claim 49.

***Conclusion***

Accordingly, all the objections and rejections are believed to be overcome. Withdrawal of the final rejection and continuation of examination is respectfully requested.

5 The Examiner is invited to telephone the undersigned representative at 707.356.4172 if it is believed that an interview might be useful for any reason.

Respectfully submitted,  
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Signature

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